Hon'ble J.C.S. Rawat, J.

Sri Alok Mehra, learned counsel for the petitioner stated that the petitioner was appointed in the year 1992 after due selection and since then he had been working in the said department. The learned counsel for the petitioner relied upon the decision of the Apex Court in para 44, **Secretary, State of Karnataka & others Vs. Umadevi & Others** reported in **2006 AIR SCW p/1991 has held as under :-**

> "44. .....The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such *irregularly* appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employes, or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

Sri Alok Mehra-Advocate pointed out that in view of the above ratio of the Apex Court, he intends to move a representation before the respondents to regularize the services of the petitioner.

He further prays for and is granted permission to withdraw the writ petition with the liberty to move the representation as pointed out in the preceding paragraph before the competent authority to take fresh recourse as and when exigency arises in future.

In view of the above, the writ petition is dismissed as withdrawn with the liberty move the representation before the competent authority to take fresh recourse as and when exigency arises in future.

J.C.S. Rawat, J.

Dt. : 20.09.2006
Shiv